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## FACT SHEET

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# Complex Civil Litigation Program

Complex civil cases are cases that require exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants. Complex cases may involve such areas as antitrust, securities claims, construction defects, toxic torts, mass torts, and class actions. The Judicial Council's Complex Civil Litigation Task Force was appointed in 1997 to find ways to help trial courts manage complex civil litigation more efficiently and effectively. When the task force concluded its work at the end of 1999, the council's Civil and Small Claims Advisory Committee assumed responsibility for recommending improvements to complex civil litigation programs and rules.

### History

For decades, complex litigation has been the subject of intense scrutiny and evaluation. In 1996 in California, the Business Court Study Task Force, appointed by then-Chief Justice Malcolm M. Lucas, conducted an exhaustive national and state-wide review in which it solicited opinions from business leaders, judges, and attorneys on the desirability of creating specialized courts for business cases. At the end of its study the task force recommended against creating such courts.

The task force identified several reasons to develop complex litigation departments in trial courts, rather than establish separate business courts:

- *Responsiveness to the public.* Business courts handle only business disputes; complex litigation departments handle business matters plus a broader range of the public's disputes, including complex tort claims (such as mass torts) and other disputes involving complicated legal and factual issues.
- *Public perception.* Business courts are viewed by many as assisting only the business community; complex litigation departments handle complex cases affecting all segments of society.
- *Service to the public.* Once business courts are established with separate jurisdiction by statute, those courts can be used for only a limited number of cases. Complex litigation departments, as part of the broader trial court system in a county, can

expand or contract to respond to periodic fluctuations in caseloads, including emergencies.

- *Equal expertise and resources.* Complex litigation departments would have the same expertise as business courts through training and the use of a complex litigation manual, as well as the same streamlined procedures (through statutory and rule amendments) and human and technological resources.

### Complex Civil Litigation Task Force

In response to the recommendations of the Business Court Study Task Force, Chief Justice Ronald M. George appointed the Complex Civil Litigation Task Force and charged it with identifying ways for trial courts to manage complex cases more efficiently and effectively. In October 1999, after extensive study, the task force recommended, and the Judicial Council approved:

- Distributing the *Deskbook on the Management of Complex Civil Litigation* to all judges;
- Forwarding the special judicial education curriculum Complex Civil Case Management, with suggested policies for faculty, attendees, and course prerequisites, to the Board of Governors of the Center for Judicial Education and Research (CJER);
- Referring to the CJER Board of Governors proposed amendments to standards 10.12 and 10.13 of the California Standards of Judicial Administration;
- Adopting new California Rules of Court, effective January 1, 2000, including a rule that defines a complex case as one requiring “exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel” (Cal. Rules of Court, rule 3.400(a));
- Amending relevant rules and seeking conforming legislation; and
- Charging the Civil and Small Claims Advisory Committee with ongoing responsibility for recommending improvements to complex civil litigation programs and for updating the *Deskbook on the Management of Complex Civil Litigation*.

### The Program

The Complex Civil Litigation Program began as a pilot in 2000 in six California trial courts: the Superior Courts of Alameda, Contra Costa, Los Angeles, Orange, San Francisco, and Santa Clara Counties. Alameda, San Francisco, and Santa Clara Counties each have two judges dedicated to the program; Contra Costa has one; Los Angeles County has seven; and Orange County has five. The program was designed to give judges training and resources to help them manage complex civil cases efficiently and effectively. Participating courts have used their grant funds to hire

additional research attorneys and court staff and to improve technology, among other uses. Several courts have held bench-bar symposiums to educate users about areas of the program such as discovery, case management, alternative dispute resolution, substantive legal areas, and use of technology. Program judges meet twice yearly to exchange information and participate in continuing education.

In August 2003 the Judicial Council received the National Center for State Courts' report *Evaluation of the Centers for Complex Litigation Pilot Program* and forwarded it to the Legislature and Governor. The lengthy report included information on the number of complex cases filed; the impacts of complex litigation departments on case and calendar management; the impacts on trial courts, attorneys, and parties; and recommendations to the Legislature and the Governor concerning the continued operation of complex litigation departments.

### Grants

Funds for the program are made available from the Judicial Administration Efficiency and Modernization Fund. Grant amounts vary by county, reflecting differences in the numbers of courtrooms the courts designate for the program. In the 2007–2008 fiscal year, funds allocated to the program total \$3.958 million

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### Additional resources:

Reports and publications, [www.courtinfo.ca.gov/reference/4\\_5civil.htm](http://www.courtinfo.ca.gov/reference/4_5civil.htm)